UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

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In the Matter of:) DOCKET NO. TSCA-10-2020-0122
Clint Reed d.b.a. CJ Construction) EXPEDITED SETTLEMENT) AGREEMENT AND) FINAL ORDER
St. Maries, Idaho	
Respondent.	
)

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

- The U.S. Environmental Protection Agency ("EPA") alleges that Clint Reed d.b.a.
 CJ Construction ("Respondent") failed to comply with Section 402(c) of the U.S. Toxic
 Substances Control Act, 15 U.S.C. § 2601 et seq. ("TSCA").
- 2. Under Section 402(c) of TSCA and 40 C.F.R. § 745.81(a)(2)(ii), Respondent was required to obtain initial firm certification from EPA before performing, offering, or claiming to perform renovations for compensation.
- 3. On April 22, 2020, Respondent was issued a Building Permit Number (SCO449) from the Shoshone County Planning Department to conduct a renovation for compensation at 382 Revenue Gulch, Silverton, Idaho ("382 Revenue Property").
- 4. The 382 Revenue Property was constructed in 1942, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

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U.S. Environmental Protection Agency 1200 Sixth Avenue, Suite 155 Seattle, Washington 98101 (206) 553-1037

- 5. Respondent was not firm certified when it offered, performed or claimed to perform a renovation at the 382 Revenue Property, in violation of 40 C.F.R. § 745.81(a)(2)(ii).
- 6. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is \$200.
- 7. Upon signing this Expedited Settlement Agreement, Respondent shall deposit the civil penalty amount listed in paragraph 6 by one of the following methods:
 - 7.1 Send a cashier's or certified check or money order with a notation for TSCA-10-2020-0122 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency Fines and Penalties Docket No. TSCA-10-2020-0122 Cincinnati Finance Center P.O. Box 979077 St. Louis, Missouri 63197-9000

7.2 Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with a notation for TSCA-10-2020-0122 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency Government Lockbox 979077 1005 Convention Plaza SL-MO-C2-GL St. Louis, Missouri 63101

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- Make an electronic deposit for payment (Vendor Express, Fedwire, 7.3 Pay.gov) at http://www2.epa.gov/financial/makepayment following the online directions for an electronic funds transfer (EFT).
- Concurrently with the deposit under paragraph 7, Respondent shall forward a 8. scanned, ink signed PDF copy of the Expedited Settlement Agreement, and a copy of the cashier's or certified check or money order or documentation of a wire transfer via email to Kim Farnham, Lead-Based Paint Compliance Officer at the following email address: farnham.kim@epa.gov. By written notice to Respondent, EPA may change the address and/or person listed above.
- EPA is authorized to enter into this Expedited Settlement Agreement 9. ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).
- In signing this Agreement, for purposes of this proceeding, Respondent: (a) 10. admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the attached Final Order.
- By its signature below, Respondent certifies, subject to civil and criminal 11. penalties for making a false submission to the United States Government, that Respondent: (a) is currently in compliance with the firm certification requirements as stated in 40 C.F.R. § 745.81(a)(2)(ii); (b) agrees to provide a deposit for payment of the civil penalty as set forth in

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Paragraph 6; (c) agrees to submit a true and accurate proof of deposit for payment of the civil

penalty as set forth in Paragraph 7; and (d) agrees to release said deposit for payment to EPA

upon entry of the Final Order attached hereto.

12. Upon the effective date of this Agreement and subsequent payment of the civil

penalty as set forth in paragraph 6, Respondent shall be resolved of liability for Federal civil

penalties for the violation(s) and facts alleged herein.

13. The penalty, including interest, paid by Respondent pursuant to the requirements

of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for

purposes of federal, state, or local income taxes.

14. EPA reserves all of its rights to take enforcement action for any other past,

present, or future violations by Respondent of TSCA, any other federal statute or regulation, or

this Agreement.

15. Failure of Respondent to remit the civil penalties provided herein will result in

this matter being forwarded to the United States Department of Justice for collection of the

amount due, plus stipulated penalties and interest at the statutory judgment rate provided in

28 U.S.C. § 1961.

16. Each party shall bear its own costs and fees, if any.

17. The Agreement authorized by EPA's execution of the Final Order attached hereto

constitutes a final order under 40 C.F.R. Part 22.

18. This Agreement is binding on the parties signing below, and in accordance with

40 C.F.R. § 22.31(b), is effective upon filing.

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IT IS SO AGREED,			
Respondent Name (print): Clint Rue dba C	s construction		
Respondent Title (print): Ovner	tal. Also some out.		
Respondent Signature:	-	Date:	7-28-202
APPROVED BY EPA:			
Edward J. Kowalski, Director	Date:		
Enforcement and Compliance Assurance Division EPA Region 10			

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